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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/057,749 04/09/98 STRANDBERG

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EXAMINER

TIEU, B

ART UNIT

PAPER NUMBER

2642

DATE MAILED: 01/30/01

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Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/057,749

Applicant(s)
Strandberg

Examiner
Benny Q. Tieu

Group Art Unit
2642



☒ Responsive to communication(s) filed on Dec 22, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-6 and 8-14 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-6 and 8-14 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1, 3-6, and 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bateman et al. (U.S. Patent No. 5,884,032) in view of Grossman et al. (U.S. Patent No. 5,436,965), Srinivasan (U.S. Patent No. 5,185,782), and Nichols et al. (U.S. Patent No. 4,748,511).

Regarding claims 1 and 10, Bateman teaches a system and method for providing a telephone call back to a customer with a computer equipment who uses WWW servers (computer network) to access information from an organizations databases, then needs help from a human ACD agent, and requests for a callback (Abstract). Bateman fails to teach an automated dialer system including a call back campaign manager, a call scheduler, and a predictive dialer. However, these features are well known in the art and taught by Grossman. Grossman teaches a call record scheduling system and method including outbound telephone contact campaigns (Abstract), a call scheduler (column 2, lines 56-61), and predictive dialer (column 4, lines 7-12). Both Bateman and Grossman fail to teach redialing a busy telephone number. However,

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Srinivasan teaches a system and method wherein if a call does not get through, the arrangement repeatedly periodically repeats placing of the outgoing call (redial), until the call gets through (Abstract, lines 14-16). The difference is that Srinivasan teaches redialing periodically rather than immediately. However, immediately redialing a busy line is a well known feature in the art of telecommunications. For example, Nichols teaches a teleradiology system wherein a modem dials a number and tries to establish a link. If the line is busy, the modem will immediately redial the number three times before giving up (column 26, lines 42-45). Modifying periodically redialing into immediately redialing lies under a normal capability of a skilled person in the art of telecommunications. Since Bateman, Grossman, as well as Srinivasan teach the system and method concerning a call center, they could be combined by a skilled person in the art. In addition, Nichols and Srinivasan are related by a telecommunication system, a person skilled in the art would use the teachings of Nichols into Srinivasan. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of call scheduler, predictive dialer as taught by Grossman, and the use of immediately redial as taught by Srinivasan and Nichols into the system and method as disclosed by Bateman in order to allow a customer using a data network to be called back by an available agent of a call center, and in case the line of the customer is busy, the call is immediately redialed until the call is answered by the customer. It should be noticed that Bateman teaches the network including the feature that a telephone line used to access a computer network is the same telephone line which is used for call

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back purpose (column 6, line 66 to column 7, line 13 and column 10, lines 55-58). Also, an option of immediately call back is described (column 6, lines 23-25 and column 7, lines 51-54).

Regarding claim 3, Bateman further teaches the computer network interface interfaces the computer network to agent terminals connected to the automated dialer system (Fig. 1).

Regarding claim 4, see Bateman, column 6, lines 15-30.

Regarding claim 5, see Bateman, column 6, line 24.

Regarding claim 6, see Bateman, column 7, lines 43-61.

Regarding claims 8 and 9, Bateman fails to teach the call back data is transmitted over a global computer network using a CGI script or a JAVA language script. However, this is a design choice and lies fully under a capability of a person skill in the art.

Regarding claims 11 and 13, Bateman fails to teach the method wherein the step of redialing includes continuously redialing the at least one of telephone numbers until an answer is detected. However, Srinivasan teaches this feature (Abstract, lines 14-16). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of redialing as taught by Srinivasan into the method as disclosed by Bateman in order to offer the customer a call back service successfully.

Regarding claim 12, see Bateman, column 6, lines 55-57.

Regarding claim 14, Bateman further teaches the method wherein the call back data includes at least one time to be called back, wherein at least one of the telephone numbers is scheduled according to the time to call back (column 6, lines 23-25).

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3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bateman et al. in view of Grossman et al. and Srinivasan as applied to claim 1 above, and further in view of Szlam et al. (U.S. Patent No. 5,828,731).

Regarding claim 2, Bateman, Grossman, and Srinivasan fails to teach the system wherein the predictive dialer includes a call pacer that paces dialing of the telephone numbers according to a call pacing algorithm. However, Szlam teaches an apparatus for non-offensive termination of an outbound call wherein the call pacing algorithm be adjusted to err on the side of calling too many parties rather than too few parties in order to maximize the utility of the agents. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of pacing algorithm as taught by Szlam into the system as disclosed by Bateman, Grossman, and Srinivasan in order to maximize the utility of the agents.

4. Claims 1 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dezonno et al. (U.S. Patent No. 5,991,394) in view of Srinivasan (U.S. Patent No. 5,185,782), and Nichols et al. (U.S. Patent No. 4,748,511).

Regarding claims 1 and 10, Dezonno teaches a method and system for establishing voice communications between a computer user and an agent of a business over a computer network. The computer user is offered a callback at time of the user choice correspond to a request from the user. The system as taught by Dezonno includes a computer network interface and an automated dialer system. The automated dialer system comprises a call back campaign manager,

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a call scheduler, and a telephone number dialer (see entire patent). Dezonno differs from the claimed invention in that Dezonno fails to teach the feature of immediately redial in case a line of a telephone number to be dialed is busy. However, Srinivasan teaches a system and method wherein if a call does not get through, the arrangement repeatedly periodically repeats placing of the outgoing call (redial), until the call gets through (Abstract, lines 14-16). The difference is that Srinivasan teaches redialing periodically rather than immediately. However, immediately redialing a busy line is a well known feature in the art of telecommunications. For example, Nichols teaches a teleradiology system wherein a modem dials a number and tries to establish a link. If the line is busy, the modem will immediately redial the number three times before giving up (column 26, lines 42-45). Modifying periodically redialing into immediately redialing lies under a normal capability of a skilled person in the art of telecommunications. Since Dezonno as well as Srinivasan teach the system and method concerning a call center, they could be combined by a skilled person in the art. In addition, Nichols and Srinivasan are related by a telecommunication system, a person skilled in the art would use the teachings of Nichols into Srinivasan. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of immediately redial as taught by Srinivasan and Nichols into the system and method as disclosed by Dezonno in order to allow a customer using a data network to be called back by an available agent of a call center, and in case the line of the customer is busy, the call is immediately redialed until the call is answered by the customer.

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Response to Arguments

5. Applicant's arguments filed Dec. 22, 2000 have been fully considered but they are not persuasive.

Applicant's invention concerns an immediate call back after a call back request even though the line is busy. Applicant correctly points out that Srinivasan teaches periodically retrying a busy telephone line. However, even if Applicant's opinion is correct that "periodically" is "not immediately", in the previous Office Action, Examiner states that Nichols patent supports redial is immediate which is missing in Srinivasan. Nichols teaches that if the line is busy, the modem will immediately redial the number three times before giving up (column 26, lines 42-45). Therefore, Examiner believes that Office Action is proper.

In response to Applicant's arguments on page 4, Examiner disagrees with Applicant in that "call pacer that paces dialing of said telephone numbers" is not taught or made obvious by the prior art. Clearly, Szlam teaches a call pacing algorithm where the called number is concerned when it is busy (Figs. 2A & 2B, column 5, line 28 through column 6, line 67). Therefore, the system of claim 1 with call pacing algorithm made obvious by the prior art.

With respect to Applicant's arguments on page 5, Examiner agrees that Dezonno fails to teach immediately dial back the inquiring party and make the call back immediate as the line is busy. However, as discussed above, Nichols supports that feature. Therefore, Examiner believes the prior art cited in the Office Action is accurate and can be combined to form the claim invention.

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Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. **Any response to this action should be mailed to:**

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-6306, (for formal communications intended for entry, please label the response "EXPEDITED PROCEDURE")

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Or: (703)308-6296, (for informal or draft communication, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington, VA, Sixth Floor (Receptionist).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **BENNY Q. TIEU** whose telephone number is (703) 305-2360. The examiner can normally be reached on Monday through Friday from 7:00AM to 5:30PM.


The fax number for this Group is (703) 308-9051.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305-4700.

BENNY Q. TIEU
PATENT EXAMINER

Date: January 18, 2001.

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